



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Juan Igartua,

Plaintiff,

-against-

Frass Box Cannabis, LLC,

Defendant.

1:24-cv-06576 (JLR) (SDA)

ORDER

STEWART D. AARON, United States Magistrate Judge.

By Order dated March 3, 2025, the Hon. Jennifer L. Rochon referred this matter to the undersigned to prepare a Report and Recommendation concerning Plaintiff's motion for default judgment against Defendant. (ECF No. 22.) Accordingly, it is hereby ORDERED, as follows:

1. **Attorneys' Fees:** The undersigned intends to make a recommendation regarding attorneys' fees as part of his recommendation regarding any default judgment. Therefore, Plaintiff shall make a supplemental submission setting forth the attorneys' fees sought. Any request for attorneys' fees must be supported by contemporaneous time records showing, for each attorney and timekeeper, the date of service, the hours expended, and the nature of the work performed. Counsel should also provide the number of years they have been admitted to the bar, a brief description of their experience, their hourly rate, and any information supporting the reasonableness of the rates sought. Counsel should also explain why the time expended is reasonable.

2. **Memorandum of Law:** In his supplemental submission, Plaintiff shall **SHOW CAUSE** why his motion for default judgment should not be denied based upon his failure to state a claim in light of recent decisions in this District finding that websites with no adjunct brick-and-

mortar stores are not places of public accommodation within the meaning of the law on which Plaintiff bases his claims. *See Sookul v. Fresh Clean Threads, Inc.*, No. 23-CV-10164, 2024 WL 4499206 (S.D.N.Y. Oct. 16, 2024); *Mejia v. High Brew Coffee, Inc.*, 22-CV-33676, 2024 WL 4350912 (S.D.N.Y. Sept. 30, 2024).

3. **Plaintiff's Submission:** Plaintiff shall file his supplemental submission no later than March 18, 2025.

4. **Defendant's Response:** Defendant shall send to Plaintiff's counsel and file with the Court its response, if any, to Plaintiff's submission no later than April 1, 2025.

5. **Service:** Service of this Order shall be made no later than 3 days following entry. Service of the documents to be filed and served by Plaintiff on Defendant shall be made by mail no later than 3 days following filing. Plaintiff shall file proofs of service of same no later than 3 days following the date of service.

SO ORDERED.

Dated: New York, New York
March 4, 2025



STEWART D. AARON
United States Magistrate Judge